

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**



ILDEFONSO TRAVERSO, et. al.,

v.

CASE NUMBER: 97-2211 (DRD)

DR. ENRIQUE VAZQUEZ QUINTANA, et. al.

ORDER

Pending before the Court are the Parties' Joint Motion for Partial Dismissal With Prejudice of All Claims Against Hospital Pavia (Docket No. 36); Joint Motion that the Settlement Agreement Be Filed Under Seal (Docket No. 37); and Plaintiffs' Joint Motion for Voluntary Dismissal (Docket No. 39). On September 19, 2000, the Parties filed a Joint Motion for Partial Dismissal With Prejudice of All Claims Against Hospital Pavia. (Docket No. 36). In said motion, the Parties request the Court to: 1) dismiss all claims against Hospital Pavia with prejudice; 2) "enter an Order barring any and all claims for contribution, indemnification, and/or 'nivelación' by the non-settling Defendant, Dr. Enrique Vazquez Quintana and/or his insurers against the settling Defendant, Hospital Pavia;" and 3) "enter an Order specifying that it will retain jurisdiction over this action so as to enforce the terms and conditions of the Confidential Settlement Agreement." (Docket No. 36). The Court hereby rules as follows:

- 1) All claims asserted by Plaintiff against Hospital Pavia are hereby **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(a)(2).
- 2) Any and all claims against Hospital Pavia by the non-settling Defendant, Dr. Enrique Vázquez Quintana for contribution, indemnification and/or "nivelación" are hereby **BARRED**.
- 3) This Court will **retain jurisdiction** over this action so as to enforce the terms and conditions of the Confidential Settlement Agreement between the parties.

On September 19, 2000, the Parties filed a Joint Motion that Settlement Agreement be Filed Under Seal. (Docket No. 37). The Court hereby **GRANTS** the Parties' motion. The Parties' Confidential Settlement Agreement and Release (Docket No. 38) will remain under seal until otherwise ordered by the Court.

Plaintiffs on September 26, 2000, filed a Joint Motion for Voluntary Dismissal against Co-defendant Dr. Enrique Vázquez Quintana. (Docket No. 39). In view of Plaintiffs and Co-defendant Hospital Pavia's settlement agreement (Docket No. 36), Plaintiffs request the Court to dismiss all claims against the remaining Defendant, Dr. Enrique Vázquez Quintana. Therefore, pursuant to Fed. R. Civ. P. 41(a)(2) all claims against Co-defendant Dr. Enrique Vázquez Quintana are hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Date: September 29, 2000

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DANIEL R. DOMINGUEZ
U.S. District Judge

Rec'd: EOD:

By: # 40

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